

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>10/1/2020</u>
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:
UNITED STATES OF AMERICA	:
	:
Plaintiff,	:
	:
-against-	:
	:
	:
\$485,821.65 IN UNITED STATES	:
CURRENCY FORMERLY ON DEPOSIT	:
IN JPMORGAN CHASE BANK, N.A.,	:
ACCOUNT 209715972, HELD IN THE	:
NAME OF "RFTR CORPORATION,"	:
AND ALL FUNDS TRACEABLE	:
THERETO,	:
and	:
\$434,122.61 IN UNITED STATES	:
CURRENCY FORMERLY ON DEPOSIT	:
IN JPMORGAN CHASE BANK, N.A.,	:
ACCOUNT 519888635, HELD IN THE	:
NAME OF "MOOSHAD CONSULTING	:
NYC, INC.," AND ALL FUNDS	:
TRACEABLE THERETO,	:
	:
Defendants- <i>in-rem</i> .	:
-----	X

20-CV-5179 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on July 7, 2020, the Government filed a complaint for forfeiture (Dkt. 1);

WHEREAS on August 11, 2020, Mr. Salvatore Arena filed an answer and motion to intervene (Dkt. 4);

WHEREAS on August 13, 2020, the Court instructed Mr. Arena to file a claim pursuant to Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture (Dkt. 5);

WHEREAS Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture requires a claim to: (i) identify the specific property claimed; (ii) identify the claimant and state the claimant's interest in the property; (iii) be signed by the claimant under penalty of perjury; and (iv) be served on the government attorney designated under Rule G(4)(a)(ii)(C) or (b)(ii)(D);

WHEREAS on September 10, 2020 Mr. Arena filed a supplemental letter to his August 11, 2020 letter stating that he objects to the forfeiture of "\$180,000 of the funds at issue" (Dkt. 6);

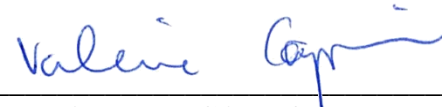
IT IS HEREBY ORDERED THAT:

1. The Court will construe Mr. Arena's September 10, 2020 letter as a claim pursuant to Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture. Mr. Arena, however, failed to sign the letter under the penalty of perjury. No later than **November 1, 2020**, Mr. Arena must submit a supplemental letter stating that the contents of his September 10, 2020 (Dkt. 6) letter are truthful. The Court suggests that Mr. Arena's supplemental letter state, in substance, the following: "I declare under the penalty of perjury that everything I wrote in the letter dated September 10, 2020 (Dkt. 6) is truthful and correct." Mr. Arena must sign the supplemental letter.
2. No later than **December 1, 2020**, the Government is directed to confer with Mr. Arena and propose a discovery schedule.
3. Mr. Arena's request to stay the case is DENIED.

A copy of this order will be mailed by chambers.

**SO ORDERED.**

**Date: October 1, 2020**  
**New York, NY**

A handwritten signature in blue ink, reading "Valerie Caproni", is positioned above a horizontal line.

**VALERIE CAPRONI**  
**United States District Judge**